

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**TERRY BENTLEY**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 4:15-CV-1-DMB-JMV**

**ILLINOIS CENTRAL RAILROAD COMPANY**

**DEFENDANT**

**ORDER GRANTING UNOPPOSED MOTION FOR PERMISSION TO FILE MOTION  
UNDER SEAL**

The Court, having considered Defendant Illinois Central Railroad Company's Unopposed Motion for Permission to File Motion Under Seal [44], finds that the motion should be granted.

Local Rule 79(b) specifies that "any order sealing a document must include particularized findings demonstrating that sealing is supported by clear and compelling reasons and is narrowly tailored to serve those reasons." L.U. Civ. R. 79(b). To determine whether to allow the sealing of a requested document, "the court must balance the public's common law right of access against the interests favoring nondisclosure." *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993). Upon weighing the competing interests, the undersigned finds that the Defendant has provided clear and compelling reasons for filing its motion to enforce settlement agreement under seal.

The Court finds that granting the motion is necessary to protect against public disclosure of the confidential and material terms of the settlement agreement. The Defendant's interest in maintaining confidentiality of the settlement terms outweighs any interest the public may have in disclosure of such terms. The Court previously recognized that sealing the confidential settlement terms was appropriate when it sealed the transcript containing those terms. Plaintiff does not oppose Defendant's request. Thus, Defendant has satisfied its burden of establishing

that its motion, exhibits and supporting brief should be filed and remain under seal.

**IT IS THEREFORE ORDERED** that Defendant's Motion to Enforce Settlement Agreement, and supporting exhibits, and Memorandum of Facts and Law in Support of Defendant's Motion to Enforce Settlement, shall be filed and remain under seal until further order of this Court.

**SO ORDERED**, this the 16th day of March, 2016.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE